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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,986	02/12/2002	Kazumasa Kaburagi	04329.2732	3523
22852	7590	08/24/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				DESHPANDE, KALYAN K
		ART UNIT		PAPER NUMBER
		3623		

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/072,986	KABURAGI ET AL.
	Examiner Kalyan K. Deshpande	Art Unit 3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 June 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 9-17,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 9-17,20 and 21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. The following is a final office action in response to the communications received on June 9, 2006. Claims 9-17 and 20-21 are now pending in this application.

Response to Amendments

2. Applicants' amendments to claims 9-12, 15-17, and 20-21 are acknowledged. Applicants' cancellation of claims 1-8, 18, and 19 is acknowledged. Examiner maintains the 35 U.S.C. §103 rejections.

Response to Arguments

3. Applicants' arguments filed on June 9, 2006 have been fully considered but are moot in view of the new ground(s) of rejection necessitated by amendment. A new rejection has been asserted for the amended limitations. Additionally, Examiner has not taken official notice on any of the recited limitations in the previous office action dated March 9, 2006 with regard to claim 9. Also, Applicants allege that Examiner has drawn general conclusions in rejecting claim 9. It is unclear as to what Applicants are alleging are the general conclusions Examiner has drawn.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 9-17 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rembert (U.S. Patent No. 5101352).

As per claim 9, Rembert teaches:

An order assembly production method comprising:
preparing manufacturing schedules of every predetermined periods of time which are included in several months based on a demand forecast, reviewing the manufacturing schedules every predetermined period basis, the manufacturing schedules of the several months being updated every predetermined period while fixing the manufacturing schedule of one or more recent predetermined periods and issuing the updated manufacturing schedules of several months (see column 6 lines 54-67, column 10 lines 34-67, column 11 lines 1-64, and column 34 lines 32-56; where a work order module uses input parameters to determine a production schedule. The work order module accounts for creating schedules based on demand and the due date for the demand. The MRP planning can be done in either net change or regenerative modes. Net change mode is determining the change in material and capacity requirements since the system was last updated. This mode is effectively an update on the production planning schedule.);
calculating the number of order-acceptable products for the recent predetermined periods the scheduled number of products to be manufactured for each predetermined period succeeding the recent predetermined periods on the basis of the updated manufacturing schedules (see column 11 lines 1-64 and column 13 lines 40-59; where the system calculates the know percentage of products that will

be defective and incorporates this value in to production requirements. This factor is a materials and capacity constraint used to update production schedules. The MRP planning can be done in either net change or regenerative modes. Net change mode is determining the change in material and capacity requirements since the system was last updated. This mode is effectively an update on the production planning schedule.); and

making a response about delivery time to a customer with reference to the calculated number of order-acceptable products (see column 8 lines 3-45; where customer service is able to view sales order information including the UPS itinerary and production due date in order to inform customers of information regarding delivery.).

Rembert fail to explicitly teach a demand forecast predetermined period that are specifically included in several months. Rembert does teach determining production capabilities based on capacity, resources, inventory, operation hours, and completion deadline dates in periods of time over a planning horizon (see column 6 lines 54-67, see column 7 lines 5-10, column 10 lines 34-67, column 11 lines 1-39, and column 34 lines 32-56). Though Rembert does not explicitly teach a demand forecast that are specifically included in several months, the Rembert system is enabled to use such a time period to determine a production schedule. The ability to forecast demand into material and capacity requirements over a planned period of time is the same as planning manufacturing schedules included in several months. The advantage of using a demand forecast that are specifically included in several months is that it allows a

user to plan the production of a product in a manner to satisfy the demand. It would have been obvious, at the time of the invention, for one of ordinary skill in the art to enable the Rembert system capable of determining production capabilities in periods of time and incorporate using a demand forecast period that are specifically included in several months to the Rembert system in order to enable a user to plan production of a product in a manner to satisfy demand, which is a goal of Rembert (see column 1 lines 65-67 and column 2 lines 1-11; where Rembert attempts to overcome the deficiencies of the prior art's inability to reliably provide production estimates by continually updating the MRP system over periods of time.).

As per claim 10, Rembert fails to teach the "number of days of the predetermined period basis that is arbitrarily set". This limitation is the same as the limitation in claim 9 where the predetermined periods are included in several months; therefore the same rejection applies to this claim.

As per claim 11, Rembert fails to teach the updated manufacturing schedules are issued by a business department system and the number of order-acceptable products and the scheduled number of products are calculated by a manufacturing department system. Rembert does teach individual modules containing scheduling functionality and procurement functionality that can be installed on a general or specific purpose computer (see column 4 lines 37-63). The software functionality can be run by any user who is deemed responsible to run such functionality, thus a business department and a manufacturing department can both run the functionality if deemed appropriate. Furthermore, a business department (sales or customer service department) can view

the generated schedule in order to track sales demand and provide customer service (see column 8 lines 3-45). The advantage of having a business department review the manufacturing schedules and a manufacturing department issue procurement instructions is that the both departments are aware of the schedule and status of each either in terms of forecasting demand and forecasting production thereby facilitating the satisfaction of demand. It would have been obvious, at the time of the invention, for one of ordinary skill in the art to require a business department to review the production schedule and have the manufacturing department issue procurement instructions in the Rembert system in order to inform both departments of each other's status and thereby facilitating the satisfaction of demand, which is a goal of Rembert (see column 1 lines 55-67).

As per claim 12, Rembert teaches:

The method according to claim 11, wherein when the updated manufacturing schedules issued from the business department system is not realized, the manufacturing department system returns the fact to the business department system to request to further change the updated manufacturing schedules (see column 6 lines 54-67, column 10 lines 34-67, column 11 lines 1-39, and column 34 lines 32-56; where the production schedule can be modified based on capacity and resource constraints.).

As per claim 13, Rembert teaches:

The method according to claim 11, wherein the manufacturing department system presents delivery time information for each predetermined period basis to the

business department system (see column 6 lines 54-67, column 10 lines 34-67, column 11 lines 1-39, and column 34 lines 32-56; where the system uses due dates for the production of work orders.).

As per claim 14, Rembert teaches:

The method according to claim 11, wherein the manufacturing department system presents delivery time information for each sales route, for each product model, and for each predetermined period basis to the business department system (see column 8 lines 3-45; where delivery time and costs for each sales order is determined using a UPS itenary.).

As per claim 15, Rembert teaches:

The method according to claim 11, wherein the manufacturing department system deposits the procured parts as a vendor managed inventory (see column 6 lines 1-29 and column 9 lines 1-53; where procured parts are incorporated into inventory. Inventory items are listed by their method of procurement, including vendor parts and produced parts.).

As per claim 16, Rembert teaches:

The method according to claim 15, wherein said vendor managed inventory includes a general-purpose intermediate product which can be used in common to a plurality of products (see column 6 lines 1-29 and column 9 lines 1-53; where the inventory keeps track of how each inventory item was acquired, whether through a vendor or whether produced. The produced inventory items are intermediate products that are further used to produce final products.).

As per claim 17, Rembert teaches:

The method according to claim 11, wherein when the number of order-acceptable products is smaller than the number of products predetermined in the manufacturing schedule of the predetermined period, the business department system allocates the number of order-acceptable products between sales routes (see column 6 lines 1-29 and column 9 lines 1-53; where the inventory keeps track of how each inventory item was acquired, whether through a vendor or whether produced. The produced inventory items are intermediate products that are further used to produce final products.).

Claims 20 and 21 recite “an order assembly production system” which is taught by Rembert (see column 2 lines 35-55; where an MRP system is disclosed). Claims 20 and 21 further recite limitations already addressed by the rejections of claims 9-10; therefore the same rejection applies to this claim.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are pertinent to the current invention, though not relied upon:

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kalyan K. Deshpande whose telephone number is (571)272-5880. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kalyan K. Deshpande
kkd
8-17-2006

Romain Jeanty
Primary Examiner
Art Unit 3623